

REMARKS/ARGUMENTS

Claims 13-15, 18-22, 24-26, and 74-82 are currently pending. Claim 75 is allowed, and the other pending claims stand substantively rejected. This Amendment cancels claim 79. The paragraph numbering below follows that of the Office Action. Reconsideration of the rejected claims is respectfully requested.

Claim 78

Although the Office Action Summary indicates that claim 78 is rejected, the Advisory Action mailed October 31, 2007 confirms that claim 78 is not rejected. Applicants have amended claim 78 to incorporate the elements of claim 76 from which it depends. Applicants believe that claim 78 is allowable as amended.

¶4. Claim Objection

Claim 79 was objected to as allegedly duplicative of claim 78. This Amendment cancels claim 79. Withdrawal of this objection is respectfully requested.

¶6. First Rejection Under 35 U.S.C. §112

Claims 13-15, 18-22, 24-26, 74, 77, and 80-82 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking written description in the specification. This rejection is traversed.

According to the Office Action, recitation of:

"by at least 50%" in claims 13, 77, and 81;

"by at least 70%" in claim 25; and

"by at least 50%" in claims 80 and 82

is not supported by the original disclosure. Without acquiescing to or agreeing with the rejection, Applicants have amended claims 13, 25, 77, and 80-82 to remove these terms. Withdrawal of this rejection is respectfully requested.

¶8. Rejection Under 35 U.S.C. §102

Claims 13-15, 19-21, 25, 76, 77, and 80-82 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by WO 01/011035 to Mei. This rejection is traversed.

According to MPEP 2131, to anticipate a claim, a reference must teach all elements of the claim. Mei does not meet this test.

Amended independent claims 13 and 76 are each drawn to a monoclonal antibody that competes with MAb 763-15-5 at the same epitope bound by MAb 763-15-5. Page 8 of the Office Action suggests that Mei's antibody likely binds an epitope that is different from the epitope bound by MAb 763-15-5. Hence, Mei fails to teach or suggest all elements of each amended independent claim, and therefore does not anticipate the claims. Withdrawal of this rejection is respectfully requested.

Applicants do not, however, acquiesce to or agree with the rejection. Epitopes such as conformational epitopes can involve distant residues that are not themselves near the binding site and yet still play a factor in binding.

¶10. Rejection Under 35 U.S.C. §103

Claims 13-15, 18-22, 25, 76, 77, and 80-82 were rejected under 35 U.S.C. §102(b) as allegedly obvious over Mei in view of Maeda et al., J. Med. Virol., 1999 Aug. 58(4):338-45. This rejection is traversed.

According to MPEP 2143, a *prima facie* case of obviousness requires, among other things, that the cited references when combined must teach all elements of the claim. The combination of Mei and Maeda does not meet this test.

Maeda is cited only for the discussion of Fab fragments. As noted above in the §102 rejection, Mei does not teach or suggest a monoclonal antibody that competes with MAb 763-15-5 at the same epitope bound by MAb 763-15-5. Maeda does not remedy this deficiency of Mei. Hence, the combination of Mei and Maeda does not teach all elements of the rejected claims, and therefore does not support a *prima facie* case of obviousness. Withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/616,760
Amdt. dated November 26, 2007
Reply to Office Action of July 26, 2007

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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